

REMARKS

Claims 1-8, 10-20 and 24 are pending in this application. By this Amendment, claim 20 has been amended. No new matter had been added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not present any additional claims; (c) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments first raised in the final rejection. Entry of the amendment is thus respectfully requested.

The courtesies extended to Applicant's representative by Examiner Lai at the telephone interview held January 3, 2007 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Claim 20 was objected to based on informalities and has been amended in accordance with the Examiner's suggestion. As agreed to in the January 3, 2007 telephone interview, claim 20 is in condition for allowance.

We respectfully request the objection be withdrawn.

Claims 1-5, 12, 13, 17-20 and 24 were rejected under 35 U.S.C. §103(a) over Matsubara (U.S. Patent No. 5,155,467) in view of Roest (U.S. Patent No. 6,148,669). The rejection is respectfully traversed.

As agreed to in the January 3, 2007 telephone interview, neither Matsubara nor Roest teach an anti-theft apparatus comprising: an acceleration detection unit mounted on a vehicle for detecting acceleration in a predetermined direction, whose detection result in a first detection sensitivity is used for a predetermined vehicle control; or a sensitivity switching unit for switching the detection sensitivity of the acceleration detection unit to a second

detection sensitivity which is different from the first detection sensitivity when it received an anti-theft instruction for instructing prevention of theft, as recited in claim 1 and as similarly recited in claims 12, 13, 19, 20 and 24.

Matsubara teaches using an acceleration sensor 111 in which a constant current of 5 mA results in the sensitivity of the acceleration sensor 111 to be approximately 1.35 mV/0.5G, wherein G is the acceleration of freefall and 0.5G is equivalent to the inclination of 30° (col. 1, lines 61-67). Matsubara also utilizes a capacitor to increase a time constant for detecting a slow change in inclination which may result from a slow jacking-up action (col. 2, lines 7-10). Both modes of operation of the acceleration sensor 111 are directed to theft prevention modes and cannot be said to be an acceleration detection unit mounted on a vehicle for detecting acceleration in a predetermined direction, whose detection result in a first detection sensitivity is used for a predetermined vehicle control. Furthermore, Matsubara makes no mention of an airbag and therefore makes it impossible to infer that the acceleration sensor 111 could be disposed in a front collision airbag ECU or disposed in a side collision airbag ECU.

Similarly, Roest only teaches an acceleration sensor with a single sensitivity setting (col. 1, line 40 to col. 2, line 39). Roest teaches either using the acceleration sensor with a detection sensitivity optimized for theft prevention (col. 1, lines 32-37) or using the acceleration sensor with a detection sensitivity optimized for shock sensing for airbags (col. 9, line 8). Therefore, neither Roest nor Matsubara teaches an acceleration detection unit with a first detection sensitivity used for a predetermined vehicle control and a second detection sensitivity used for theft prevention.

In the Office Action, the Examiner asserts that Roest teaches that an acceleration sensor can be used for theft detection and the same acceleration sensor can also be used for airbag shock sensing. Applicant respectfully disagrees. As stated above, Roest teaches an

acceleration sensor that can be optimized for either theft detection or airbag shock sensing. Furthermore, the Examiner asserts that placing the acceleration sensor on an airbag ECU is a matter of design choice. However, a design choice rejection is only appropriate when a change does not result in a change of operation (see MPEP §2144.04(IV)). In the claimed invention, the placement of an acceleration sensor in the airbag ECU (electronic control unit) allows the airbag ECU to detect a dramatic change in acceleration and therefore deploy the airbag (a first detection sensitivity use for a predetermined vehicle control). The Examiner's suggestion of merely attaching an acceleration sensor to the airbag with the intention of prevent theft does not result in an acceleration detection unit with a first detection sensitivity used for a predetermined vehicle control. Furthermore, if the Examiner's suggestion were put into use, and the acceleration sensor of Roest were simultaneously used for airbag deployment and theft prevention, it would be impossible to find a single sensitivity which would be sufficient for both modes of operation and therefore the airbag would either deploy erroneously or the acceleration sensor would not be able to sufficiently detect theft of the vehicle.

Therefore, as agreed during the telephone interview, modifying Matsubara in view of Roest, as the Examiner suggests, would render the prior art unsatisfactory for its intended purpose and is therefore an improper finding of obviousness (see MPEP §2143.01(V)).

Therefore, we respectfully request the rejection be withdrawn.

Claims 6-8, 10, 11, 14 and 15 were rejected under 35 U.S.C. §103(a) over Matsubara and Roest further in view of Hasegawa (U.S. Publication No. 2002/0039951) and claim 16 was rejected under 35 U.S.C. §103(a) over Matsubara, Roest, and Hasagawa in view of Okada (U.S. Patent No. 6,816,081). The rejections are respectfully traversed.

Hasegawa and Okada do not teach the deficiencies of Matsubara nor Roest as described above with respect to claim 1 as well as the further limitations contained therein.

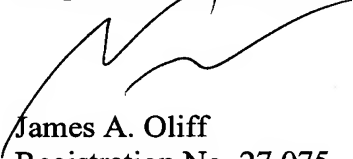
Therefore, Matsubara and Roest in view of Hasegawa and Okadado not support a rejection under 35 U.S.C. §103(a).

We respectfully request the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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